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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,503	02/02/2001	Takehiro Yoshida	862.C2109	3314
5514	7590	09/22/2004	EXAMINER PARK, CHAN S	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/773,503	Applicant(s) YOSHIDA, TAKEHIRO	
	Examiner CHAN S PARK	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-9,11-13,18-22,24-26 and 29-34 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,6,10,14-17,23,27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the instant Office action.

Specification

2. The disclosure is objected to because of the following informalities: perhaps "NO in step S26" in page 11, line 24 should be "YES in step S26."

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanemitsu U.S. Patent No. 6,674,548 in view of Nobuta U.S. Patent No. 5,956,162.

3. With respect to claim 1, Kanemitsu teaches a control method for a data communication apparatus capable of receiving binary image data having a first resolution and a second resolution lower than the first resolution, and color image data (col. 7, lines 32-37), comprising:

the first notification step of notifying a partner apparatus of an image data reception function having the first resolution and a color image data reception function as maximum receiving capacity (col. 7, lines 32-37);

the determination step of determining whether the partner apparatus instructs transmission of color image data at the first resolution on the basis of the notification in the first notification step (col. 7, lines 46-49); and

the confirming step of confirming the partner whether the data communication apparatus is ready to receive based on the determination step (col. 7, line 50 – col. 8, line 10).

Kanemitsu, however, does not teach expressly the second notification step of notifying the partner apparatus of an image data reception function having the second resolution and the color image data reception as receiving capacity when transmission of color image data at the first resolution is determined in the determination step to be instructed.

Nobuta, the same field of endeavor of facsimile, teaches a control method for a binary data communication apparatus capable of receiving binary image data (monochrome page) having a first resolution (8pel X 15.4line/mm) and a second resolution (8pel X 7.71line/mm) lower than the first resolution, and color image data having the second resolution (color page in fig. 20), comprising:

the first notification step of notifying a partner apparatus of an image data reception function capability (refer to fig. 14, first DIS signal in fig. 13 and col. 13, lines 43-48);

the determination step of determining whether the partner apparatus instructs transmission of the data to be changed from monochrome mode to color mode (PPS-EOM in fig. 13); and

the second notification step of re-notifying the partner apparatus of a current image data reception function capability when the change in transmission mode is determined (second DIS signal in fig. 13 and having second resolution at color mode in fig. 20).

Thus, when the apparatus detects that the current mode (monochrome mode) cannot render the color print data from the mode change signal (PPS-EOM), it re-notifies the transmitting facsimile of the color mode capability of the receiving facsimile for a proper transmission.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the capability re-notifying method of Nobuta to the facsimile method of Kanemitsu.

The suggestion/motivation for doing so would have been to correctly re-notify the transmitting facsimile of the color image rendering capability of receiving facsimile when the current setting/mode/resolution (monochrome mode) at the receiving side is not capable of receiving and rendering the transmitted facsimile data.

Therefore, it would have been obvious to combine Kanemitsu with Nobuta to obtain the invention as specified in claim 1.

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4. With respect to claim 4, Kanemitsu discloses a data communication apparatus capable of receiving binary image data having a first resolution and a second resolution lower than the first resolution, and color image data (col. 7, lines 32-37), comprising:

notification means for notifying a partner apparatus of receiving capacity of said apparatus (col. 7, lines 32-37);

reception means for receiving data transmitted from the partner apparatus (col. 7, lines 39-42); and

determination means for determining whether the partner apparatus instructs transmission of color image data at the first resolution (col. 7, lines 46-49) and confirming whether the data communication apparatus is ready to receive based on the determination (col. 7, line 50 – col. 8, line 10),

wherein said notification means notifies the partner apparatus of an image data reception function having the first resolution and a color image data reception function as maximum receiving capacity at start of communication with the partner apparatus (col. 7, lines 32-37).

Kanemitsu, however, does not disclose expressly that the notifying means notifies the partner apparatus of an image data reception function having the second resolution and the color image data reception function as receiving capacity when the partner apparatus instructs transmission of color image data at the first resolution.

Nobuta, the same field of endeavor of facsimile, discloses a data communication apparatus capable of receiving binary image data (monochrome page) having a first resolution (8pel X 15.4line/mm) and a second resolution (8pel X 7.71line/mm) lower

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than the first resolution, and color image data having the second resolution (color page in fig. 20), comprising:

the notification means for notifying a partner apparatus of an image data reception function capability (refer to fig. 14, first DIS signal in fig. 13 and col. 13, lines 43-48); and

the determination means for determining whether the partner apparatus instructs transmission of the data to be changed from monochrome mode to color mode (PPS-EOM in fig. 13),

wherein the notification means re-notifies the partner apparatus of a current image data reception function capability when the change in transmission mode is determined (second DIS signal in fig. 13 and having second resolution at color mode in fig. 20).

Thus, when the apparatus detects that the current mode (monochrome mode) cannot render the color print data from the mode change signal (PPS-EOM), it re-notifies the transmitting facsimile of the capability of the receiving facsimile at color mode for a proper transmission.

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the capability re-notifying method of Nobuta to the facsimile method of Kanemitsu.

The suggestion/motivation for doing so would have been to correctly re-notify the transmitting facsimile of the color image rendering capability of receiving facsimile when

the facsimile data requires a new mode/capability/resolution setting that is different from the current setting (monochrome mode) at the receiving side.

Therefore, it would have been obvious to combine Kanemitsu with Nobuta to obtain the invention as specified in claim 4.

5. With respect to claim 31, arguments analogous to those presented for claim 1, are applicable.

6. With respect to claim 33, arguments analogous to those presented for claim 1, are applicable.

Claims 7, 8, 11-13, 18-21, 24-26, 29, 30, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobuta U.S. Patent No. 5,956,162 in view of McConnell et al. (Fax Facsimile Technology and Systems hereinafter McConnell).

7. With respect to claim 7, Nobuta teaches a control method for a data communication apparatus capable of receiving binary image data (monochrome page) which satisfies a first condition (8pel X 15.4line/mm), and multilevel image data (color page in fig. 20) which satisfies a second condition (8pel X 7.71line/mm) different from the first condition, comprising:

the notification step of notifying a partner apparatus of capability condition indicating receivable data information (refer to fig. 14, first DIS signal in fig. 13 and col. 13, lines 43-48); and

the reception step of receiving image data transmitted from the partner apparatus on the basis of the notification in the notification step (monochrome and color image data transmitting step in fig. 13).

Since the sending facsimile generates facsimile data according to fig. 20, it is apparent to one of ordinary skill in the art that the receiving facsimile in the invention is capable of receiving and rendering the generated facsimile data.

Nobuta, however, does not expressly teach that the DIS signals include the resolution information.

McConnell, the same field of endeavor of facsimile art, teaches that DIS signals may include the resolution information to fully notify the sender of the capability of the receiver (page 90).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the resolution information notification method of McConnell into the facsimile communication method of Nobuta.

The suggestion/motivation for doing so would have been to provide the receivable capability information to the sender before the actual facsimile data transmission.

Therefore, it would have been obvious to combine Nobuta with McConnell to obtain the invention as specified in claim 7.

8. With respect to claim 8, Nobuta teaches the method according to claim 7, wherein,

the multilevel image data includes color image data, and

the notification step further comprises notifying the partner apparatus that color image data can be received (DIS signals in fig. 20).

9. With respect to claim 11, Nobuta teaches the method according to claim 7, wherein,

the first condition sets a maximum resolution (8pel X 15.4line/mm) of the binary image data as a first resolution, and

the second condition sets a maximum resolution of the multilevel image data as a second resolution lower than the first resolution (8pel X 7.71line/mm in fig. 20 and col. 8, lines 5-23).

10. With respect to claim 12, Nobuta teaches the method according to claim 7, wherein,

the first condition sets a resolution of the binary image data as either of first and second resolution, and

the second condition sets a resolution of the multilevel image data as the second resolution (fig. 20 and col. 8, lines 5-23).

11. With respect to claim 13, McConnell further teaches that maximum size of the data can be included in DIS signal (page 90). Thus, it would have been obvious to one of ordinary skill in the art to include the maximum size in the DIS capability notification. The suggestion/motivation for doing so would have been to notify the sender of such information for appropriate facsimile data transmission that the receiver can receive.

12. With respect to claim 18, McConnell further teaches that other capabilities can be included in DIS and sent at once (page 90). Thus, it would have been obvious to one of

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ordinary skill in the art to include both binary data resolution capability and color data resolution capability in the DIS capability notification. The suggestion/motivation for doing so would have been to notify the sender of such information for appropriate facsimile data transmission that the receiver can receive.

13. With respect to claim 19, both Nobuta and McConnell teach that the notification step comprises sending the first and second conditions by an initial identification signal (DIS in pages 84-85 of McConnell and fig. 12 of Nobuta).

14. With respect to claim 20, arguments analogous to those presented for claim 7, are applicable.

15. With respect to claim 21, arguments analogous to those presented for claim 8, are applicable.

16. With respect to claim 24, arguments analogous to those presented for claim 11, are applicable.

17. With respect to claim 25, arguments analogous to those presented for claim 12, are applicable.

18. With respect to claim 26, arguments analogous to those presented for claim 13, are applicable.

19. With respect to claim 29, arguments analogous to those presented for claim 18, are applicable.

20. With respect to claim 30, arguments analogous to those presented for claim 19, are applicable.

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21. With respect to claim 32, arguments analogous to those presented for claim 7, are applicable.

22. With respect to claim 32, arguments analogous to those presented for claim 7, are applicable.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Nobuta and McConnell as applied to claim 7 above, and further in view of Kanemitsu.

23. With respect to claim 9, the combination of Nobuta and McConnell teaches the method according to claim 7, wherein the notification step comprises:

the first notification step of notifying the partner apparatus of the first condition as receivable data information (first DIS signal and first CFR signal to notify that the first condition (monochrome) data can be received in fig. 12 of Nobuta);

the determination step of determining whether the partner apparatus instructs transmission of the data to be changed from monochrome mode to color mode (PPS-EOM in fig. 13); and

the second notification step of notifying the partner apparatus of the second condition (2nd DIS signal indicating multilevel or color reception function capability of Nobuta and resolution notification of McConnell) when the current setting/mode/resolution at the receiving facsimile can not render the second condition.

Thus, when the apparatus detects that the current mode (monochrome mode) cannot render the color print data from the mode change signal (PPS-EOM), it re-

notifies the transmitting facsimile of the color mode capability of the receiving facsimile for a proper transmission.

Nobuta and McConnell, however, fails to teach expressly the determination step of determining whether the multilevel image data satisfies the second condition when the partner apparatus instructs transmission of multilevel image data on the basis of the notification in the first notification step.

Kanemitsu, the same field of endeavor of facsimile art, teaches a control method for a data communication apparatus capable of receiving binary image data having a first resolution and a second resolution lower than the first resolution, and color image data (col. 7, lines 32-37), comprising:

the first notification step of notifying a partner apparatus of an image data reception function having the first resolution and a color image data reception function as maximum receiving capacity (col. 7, lines 32-37);

the determination step of determining whether the partner apparatus instructs transmission of color image data at the first resolution on the basis of the notification in the first notification step (col. 7, lines 46-49); and

the confirming step of confirming the partner whether the data communication apparatus is ready to receive based on the determination step (col. 7, line 50 – col. 8, line 10).

At the time of the invention, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the capability re-notifying method of Nobuta to the facsimile method of Kanemitsu.

The suggestion/motivation for doing so would have been to correctly re-notify the transmitting facsimile of the color image rendering capability of receiving facsimile when the current setting/mode/resolution at the receiving side is not capable of receiving and rendering the transmitted facsimile data.

Therefore, it would have been obvious to combine Nobuta and McConnell with Kanemitsu to obtain the invention as specified in claim 9.

24. With respect to claim 22, arguments analogous to those presented for claim 9, are applicable.

Allowable Subject Matter

25. Claims 2, 3, 5, 6, 10, 14-17, 23, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

csp
September 17, 2004

Chan S. Park
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER